

From: [Kimberly Bick](#)
To: [Spina, Providence](#)
Cc: [Burke, Shaun](#); gyoder@bestchoiceproducts.com
Subject: Re: Proposed Clean Air Act Consent Agreement - Best Choice Products
Date: Monday, February 04, 2019 5:22:44 PM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.gif](#)
[image004.jpg](#)

Thank you. I will review with my client when he returns next week.

Kim

[Kimberly Bick](#)

Partner



520 Newport Center Drive Suite 750

Newport Beach, CA 92660

Direct: (949) 432-3502

Cell: (949) 363-3057

Email: kbick@bicklawllp.com

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From: "Spina, Providence" <Spina.Providence@epa.gov>

Date: Monday, February 4, 2019 at 12:55 PM

To: Kimberly Bick <kbick@bicklawllp.com>

Cc: "Burke, Shaun" <Burke.Shaun@epa.gov>, "gyoder@bestchoiceproducts.com" <gyoder@bestchoiceproducts.com>

Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products

Ms. Bick,

Thank you for speaking with Shaun and me last Friday. As we discussed, attached is a tolling agreement for your review and signature. The agreement tolls the statute of limitations through April 30, 2019.

Also, **Ex. 7(A) - Enforcement Sensitive**

Please let us know if you have any questions, and we look forward to Ex. 7(A) - Enforcement Sensitive

Regards,

Providence Spina

202-564-2722

From: Kimberly Bick <kbick@bicklawllp.com>

Sent: Tuesday, January 29, 2019 4:30 PM

To: Spina, Providence <Spina.Providence@epa.gov>

Cc: Burke, Shaun <Burke.Shaun@epa.gov>; gyoder@bestchoiceproducts.com

Subject: Re: Proposed Clean Air Act Consent Agreement - Best Choice Products

Thank you for your email. My client and I are available from 11-12 Pacific (2-3 Eastern) this Friday. If that works for you, I will send out a meeting notice and a call in number.

Kim Bick

Kimberly Bick

Partner



520 Newport Center Drive Suite 750

Newport Beach, CA 92660

Direct: (949) 432-3502

Cell: (949) 363-3057

Email: kbick@bicklawllp.com

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From: "Spina, Providence" <Spina.Providence@epa.gov>

Date: Tuesday, January 29, 2019 at 12:01 PM

To: Kimberly Bick <kbick@bicklawllp.com>

Cc: "Burke, Shaun" <Burke.Shaun@epa.gov>, "gyoder@bestchoiceproducts.com" <gyoder@bestchoiceproducts.com>

Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products

Dear Ms. Bick,

Thank you for your message and re-sending the e-mail from December 21. We will review the letter in preparation for a productive discussion this week. Unfortunately, I am not available during the proposed Wednesday and Thursday times, but Shaun and I are available on Friday from 2-4 pm Eastern/11 am – 1 pm Pacific. Since your client is not available next week, let's try to connect for at least 30 minutes in that window if possible so that we can chart out next steps.

Thank you again for re-sending the December 21 correspondence. We look forward to speaking with you soon.

Regards,

Providence Spina

202-564-2722

From: Kimberly Bick <kbick@bicklawllp.com>

Sent: Tuesday, January 29, 2019 1:51 PM

To: Spina, Providence <Spina.Providence@epa.gov>

Cc: Burke, Shaun <Burke.Shaun@epa.gov>; gyoder@bestchoiceproducts.com

Subject: FW: Proposed Clean Air Act Consent Agreement - Best Choice Products

Dear Ms. Spina,

I represent Best Choice Products. Greg Yoder forwarded me your email today. Please be aware that I sent an email and letter attachment to your attention on December 21, 2018 (see attached), and neither I, nor my client, have received a written response or voicemail from you before today's email. We are eager to resolve this matter and we are happy to schedule a meet and confer with you this week. Next week, my client will not be available. I am available by phone tomorrow between 11-

12:30 or after 1:30, Thursday after 2:30, or Friday before 1:00 and after 2:30 (all times Pacific Standard Time). I have not checked my client's schedule, but I can do so once you provide me with your availability.

Thank you,
Kimberly Bick
[Kimberly Bick](#)
Partner



520 Newport Center Drive Suite 750
Newport Beach, CA 92660
Direct: (949) 432-3502
Cell: (949) 363-3057
Email: kbick@bicklawllp.com

From: Spina, Providence <Spina.Providence@epa.gov>

Sent: Tuesday, January 29, 2019 7:21 AM

To: Gregory Yoder <gyoder@bestchoiceproducts.com>

Cc: Burke, Shaun <Burke.Shaun@epa.gov>

Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products

Hi Greg,

Happy New Year. I have not received a response to my e-mails or voicemails regarding the proposed Best Choice Products Consent Agreement from you or outside counsel. I am writing once more to see if we can schedule a time to discuss. I would like to schedule a call within the next week if possible.

Many thanks,
Providence Spina
202-564-2722

From: Spina, Providence

Sent: Tuesday, December 18, 2018 2:57 PM

To: 'Gregory Yoder' <gyoder@bestchoiceproducts.com>

Cc: Burke, Shaun <Burke.Shaun@epa.gov>

Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products

Hi Greg,

I hope you had a good weekend. Have you had a chance to speak with outside counsel about a time to talk this week?

Many thanks,
Providence Spina
202-564-2722

From: Spina, Providence

Sent: Friday, December 14, 2018 2:53 PM

To: 'Gregory Yoder' <gyoder@bestchoiceproducts.com>

Cc: Burke, Shaun <Burke.Shaun@epa.gov>

Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products

Thanks, Greg. We look forward to hearing from you early next week. Have a great weekend.
Providence Spina
202-564-2722

From: Gregory Yoder <gyoder@bestchoiceproducts.com>
Sent: Thursday, December 13, 2018 10:57 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: RE: Proposed Clean Air Act Consent Agreement - Best Choice Products Providence,

Thanks for your message. We are reviewing your proposal internally, and we expect to discuss with new outside counsel early next week. Later next week should be fine to discuss with you per your suggestion. I will email you back late on Monday to set up a day and time.

As you likely guessed from my email here, I have moved in-house to BCP. Please use this email to contact me going forward, and you can find my complete contact info in my signature below.

Thanks,

Greg

Gregory Yoder-01 signature



From: Gregory Yoder <greg@gregyoderlaw.com>
Sent: Wednesday, December 12, 2018 12:38 PM
To: Gregory Yoder <gyoder@bestchoiceproducts.com>
Subject: Fwd: Proposed Clean Air Act Consent Agreement - Best Choice Products

----- Forwarded message -----

From: **Spina, Providence** <Spina.Providence@epa.gov>
Date: Wed, Dec 12, 2018 at 11:00 AM
Subject: Proposed Clean Air Act Consent Agreement - Best Choice Products
To: Gregory Yoder <greg@gregyoderlaw.com>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>

Confidential - For Settlement Purposes Only

Not Admissible Pursuant to FRE 408

Greg:

I am writing to follow up on my voicemail and also our previous conversations regarding an administrative resolution of Best Choice Products' violations of 40 C.F.R. Part 59, Subpart F, Control of Evaporative Emissions from New and In-Use Portable Fuel Containers ("Subpart F"). The EPA proposes to resolve these violations through an administrative enforcement proceeding by filing a Consent Agreement and Final Order ("CAFO") with the Environmental Appeals Board. Attached is a draft CAFO for your review and consideration – it provides for a payment of Ex. 7(A) - Enforcement Sensitive to resolve Best Choice Products' liability for civil penalties for the Subpart F violations described in the agreement. We would like to schedule a call with you to further discuss the CAFO, and next steps for finalizing

the agreement and concluding this enforcement action. Please let us know if there is a good time next week for us to set up that call.

Regards,

Providence Spina, Attorney-Advisor
U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
1200 Pennsylvania Ave. NW, Mail Code 2242A
Washington, D.C. 20460 mail or 20004 courier
Ph: 202-564-2722

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Gregory Yoder
Law Office of Gregory Yoder, A Professional Corporation
27201 Puerta Real, Suite 300
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